IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2517 OF 2005

Vaibhav Mangesh Bhagat ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Gajendra Jadhav, for the Applicant.

Mr.A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

21st April 2005

P.C.:

. Heard Counsel for the parties. Perused the record. I see no reason to depart from the conclusion reached by the Court below in rejecting the bail application preferred by the present Applicant. There is evidence on record to indicate complicity of the Applicant in the commission of the offence. The offence in question is a serious offence. Two persons have

been murdered and one injured. Body of the deceased was also attempted to be disposed of.

. To get over this position, Counsel for the Applicant vehemently argues that even if the prosecution case is accepted as it is, it would indicate that the accused had no intention to kill the deceased. Besides, it is argued that the evidence of Virendra Prasad Gupta who is stated to be independent creates doubt because the fact that he had witnessed the incident along with Ramshankar Ramkishore Mourya is belied by the statement of said Ramshankar Mourya. The fact that Ramshankar Mourya has stated that he has heard about the incident in question cannot be the basis for the time being to discard the evidence of Virendra Prasad Gupta and much less that of the injured witness. For consideration of bail, the evidence of injured witness, which is supported by the medical evidence as well as the evidence of Virendra Prasad Gupta is sufficient to disentitle the applicant for bail in view of the seriousness of the offence and about his complicity in the commission of the offence. Hence, rejected.

. As prayer for bail is rejected, the trial Court shall dispose of the case as expeditiously as possible. I am informed that the case is already assigned to the Fast Track Court. If it is so, the trial Judge will ensure that the same is disposed of expeditiously. In case the trial Judge is of the opinion that the Applicant is responsible for the delay of the trial, that opinion be recorded in the roznama, which will be taken into account as and when occasion arises.

(A.M.KHANWILKAR,J.)